

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERT SAMOA MAIFEA,

Defendant.

CASE NO. 2:21-cr-00130-LK

ORDER GRANTING MOTION
FOR TEMPORARY RELEASE

This matter comes before the Court on Defendant Albert Maifea's motion for temporary release from custody at the Federal Detention Center ("FDC") at SeaTac on January 6, 2023 to attend his sister's viewing, memorial service, funeral, and reception on January 7, 2023. Dkt. No. 29 at 1. The Court held a hearing on the matter on December 22, 2022, Dkt. No. 32, and the parties subsequently filed a status report in which they "jointly propose that Mr. Maifea be released" pursuant to the conditions of their proposed order and "subject to an appearance bond reflecting the existing conditions of his supervised release" that defense counsel will file before Mr. Maifea is released, Dkt. No. 33 at 1.

1 The Court finds that the proposed temporary release is justified by a compelling reason:
2 Mr. Maifea would like to attend his sister's funeral. 18 U.S.C. § 3142(i) ("The judicial officer may
3 . . . permit the temporary release of the [defendant], in the custody of a United States marshal or
4 another appropriate person, to the extent that the judicial officer determines such release to be
5 necessary for preparation of the person's defense or for another compelling reason."). "Losing a
6 family member is an extremely challenging experience[.]" and given that "[a]ttending a funeral or
7 memorial service plays an important role in celebrating and grieving the departed[.]" Mr. Maifea
8 has a strong interest in the "closure and salutary benefit" of attending his sister's funeral service.
9 *United States v. Aziz*, No. CR21-0118-JLR, 2021 WL 5514432, at *1 (W.D. Wash. Nov. 24, 2021).
10 Although the Court views Mr. Maifea as being at risk of a relapse during this time, the proposed
11 release plan strikes an appropriate balance between that risk and his strong interest in attending
12 the funeral because it requires Mr. Maifea to be accompanied by a family member at all times and
13 is subject to the existing conditions of his supervised release.

14 Therefore, the Court grants Mr. Maifea's motion for release subject to the conditions in the
15 forthcoming appearance bond. The Court further orders:

16 1. Mr. Maifea may be released from FDC SeaTac at 12:00 p.m. on January 6, 2023,
17 at noon to the custody of Betty Maifea.

18 2. During his temporary release, Mr. Maifea shall be allowed to attend his sister's
19 viewing, funeral, and reception. Mr. Maifea shall be transported to and from his sister's funeral
20 ceremonies. At all times, Mr. Maifea shall be in the company of Betty Maifea or his brothers,
21 Earnest and Richard Maifea.

22 3. Mr. Maifea shall return to FDC SeaTac no later than 8:00 p.m. on January 7, 2023.

23 //

24 //

Dated this 28th day of December, 2022.

Lauren King
United States District Judge